

EXHIBIT A



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF AIR QUALITY
Richard W. Sprott
Director

Air Quality Board
John M. Veranth, *Chair*
Ernest E. Wessman, *Vice-Chair*
Nan Bunker
Stead Burwell
Jerry D. Grover
James R. Horrocks
Scott Lawson
Dianne R. Nielson
Wayne M. Samuelson
JoAnn B. Seghini
Don Sorensen
Richard W. Sprott,
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQ-007-06

UTAH AIR QUALITY BOARD MEETING

Working lunch session will be held prior
12:00-1:00 p.m.

168 North 1950 West (Bldg #2) Room 101

FINAL AGENDA

Wednesday, March 8, 2006
1:30 p.m.

168 North 1950 West (Bldg #2) Room 101

- I. Call-to-Order.
- II. Date of the Next Air Quality Board Meeting: April 5, 2006.
- III. Approval of the Minutes for February's Board Meeting.
- IV. Approve Location and Travel for Sevier Power Hearing. Presented By Rick Sprott.
- V. Final Adoption: Repeal and Re-enact R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD); Amend R307-110-9 and State Implementation Plan Section VIII, Prevention of Significant Deterioration. Presented by Colleen Delaney and Jim Schubach.
- VI. Final Adoption: Repeal and Re-enact R307-401, Permits: New and Modified Sources. Presented by Colleen Delaney and Jim Schubach.
- VII. Final Adoption: Amend R307-410, Permits: Emission Impact Analysis. Presented by Colleen Delaney and Jim Schubach.

VIII. Propose for Public Comment: Repeal R307-413, Permits: Exemptions and Special Provisions; Amend R307-101-2 Definitions; Amend R307-325, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions. Presented By Colleen Delaney and Jim Schubach.

IX. Informational Items

- A. PM _{2.5} Proposed Standards. Presented by Cheryl Heying.
- B. Recent SIP Approvals. Presented By Jan Miller.
- C. Compliance. Presented by Jeff Dean.
- D. HAPS. Presented by Robert Ford.
- E. Monitoring. Presented by Bob Dalley.

In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Charlene Lamph, Office of Human Resources at (801) 536-4413 (TDD 536-4414).

R307. Environmental Quality, Air Quality.**R307-405. Permits: Prevention of Significant Deterioration of Air Quality (PSD).[****]****R307-405-1. Purpose.**

This rule implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. This rule does not include the routine maintenance, repair and replacement provisions that were stayed by the DC Circuit Court of Appeals on December 23, 2003, pending appeal. This rule does not include the clean unit and pollution control project provisions that were vacated by the DC Circuit Court of Appeals on June 24, 2005. This rule supplements, but does not replace, the permitting requirements of R307-401.

R307-405-2. Applicability.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(a)(2), effective March 3, 2003, are hereby incorporated by reference.

(2)(a) The provisions in 40 CFR 52.21(a)(2)(iv)(e) are not incorporated by reference.

(b) The last sentence in 40 CFR 52.21(a)(2)(iv)(f) is not incorporated by reference.

(c) The provisions in 40 CFR 52.21(a)(2)(vi) are not incorporated by reference.

(3) Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is subject to the requirement to obtain an approval order in R307-401-5 through 8.

R307-405-3. Definitions.

(1) Except as provided in (2) below, the definitions contained in 40 CFR 52.21(b), effective March 3, 2003, are hereby incorporated by reference.

(2) "Air Quality Related Values," as used in analyses under 40 CFR 52.21(p) that is incorporated by reference in R307-405-17, means those special attributes of a Class I area, assigned by a federal land manager, that are adversely affected by air quality.

(3)(a)(i) "Major Source Baseline Date" means:

(A) in the case of particulate matter:

(I) for Davis, Salt Lake, Utah and Weber Counties, the date that EPA approves the PM₁₀ maintenance plan that was adopted by the Board on July 6, 2005;

(II) for all other areas of the State, January 6, 1975;

(B) in the case of sulfur dioxide:

(I) for Salt Lake County, the date that EPA approves the sulfur dioxide maintenance plan that was adopted by the Board on January 5, 2005;

(II) for all other areas of the State, January 6, 1975; and

(C) in the case of nitrogen dioxide, February 8, 1988.

1 (ii) "Minor Source Baseline Date" means the earliest date
2 after the trigger date on which a major stationary source or a
3 major modification subject to 40 CFR 52.21 or R307-405 submits a
4 complete application under the relevant regulations. The trigger
5 date is:

6 (A) In the case of particulate matter and sulfur dioxide,
7 August 7, 1977, and

8 (B) in the case of nitrogen dioxide, February 8, 1988.

9 (iii) The baseline date is established for each pollutant
10 for which increments or other equivalent measures have been
11 established if:

12 (A) the area in which the proposed source or modification
13 would construct is designated as attainment or unclassifiable
14 under section 107(d)(i)(D) or (E) of the Act for the pollutant on
15 the date of its complete application under 40 CFR 52.21 or R307-
16 405; and

17 (B) in the case of a major stationary source, the pollutant
18 would be emitted in significant amounts, or, in the case of a
19 major modification, there would be a significant net emissions
20 increase of the pollutant.

21 (iv) Any minor source baseline date established originally
22 for the TSP increments shall remain in effect and shall apply for
23 purposes of determining the amount of available PM10 increments,
24 except that the executive secretary shall rescind a minor source
25 baseline date where it can be shown, to the satisfaction of the
26 executive secretary, that the emissions increase from the major
27 stationary source, or net emissions increase from the major
28 modification, responsible for triggering that date did not result
29 in a significant amount of PM10 emissions.

30 (b) In the definition of "baseline area" in 40 CFR
31 52.21(b)(15)(ii)(b) insert the words "or R307-405" after "Is
32 subject to 40 CFR 52.21".

33 (c) "Reviewing Authority" means the executive secretary.

34 (d)(i) The term "Administrator" shall be changed to
35 "executive secretary" throughout R307-405, except as provided in
36 (ii).

37 (ii) The term "Administrator" shall be changed to "EPA
38 Administrator" in the following incorporated sections:

39 (A) 40 CFR 52.21(b)(17),

40 (B) 40 CFR 52.21(b)(37)(i),

41 (C) 40 CFR 52.21(b)(43),

42 (D) 40 CFR 52.21(b)(48)(ii)(c),

43 (E) 40 CFR 52.21(b)(50)(i),

44 (F) 40 CFR 52.21(l)(2),

45 (G) 40 CFR 52.21(p)(2), and

46 (H) ~~[the first reference to Administrator in 40 CFR~~
47 ~~52.21(y)(4)(i),~~

48 ~~—(I) the second reference to Administrator in 40 CFR~~
49 ~~52.21(y)(7), and~~

50 ~~—(J)—] 40 CFR 51.166(q)(2)(iv).~~

51 (e) The definition of "emissions unit" in 40 CFR
52 52.21(b)(7), effective January 6, 2004, is hereby incorporated by
53 reference.

(f) The definition of "replacement unit" in 40 CFR 52.21(b)(33), effective January 6, 2004, is hereby incorporated by reference.

(g) The following paragraphs that refer to clean units and pollution control projects are not incorporated by reference:

- (i) 40 CFR 52.21(b)(2)(iii)(h),
- (ii) 40 CFR 52.21(b)(3)(iii)(b),
- (iii) 40 CFR 52.21(b)(3)(vi)(d),
- (iv) 40 CFR 52.21(b)(32), and
- (v) 40 CFR 52.21(b)(42).

([3]4) "Heat input" means heat input as defined in 40 CFR 52.01(g).

([4]5) "Title V permit" means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to R307-415.

([5]6) "Title V Operating Permit Program" means R307-415.

([6]7) The definition of "Good Engineering Practice (GEP) Stack Height" as defined in R307-410 shall apply in this rule.

([7]8) The definition of "Dispersion Technique" as defined in R307-410 shall apply in this rule.

R307-405-4. Area Designations.

(1) Pursuant to section 162(a) of the federal Clean Air Act, the following areas are designated as mandatory Class I areas:

- (a) Arches National Park,
- (b) Bryce Canyon National Park,
- (c) Canyonlands National Park,
- (d) Capitol Reef National Park, and
- (e) Zion National Park.

(2) Pursuant to section 162(b) of the federal Clean Air Act, all other areas in Utah are designated as Class II unless designated as nonattainment areas.

(3) No areas in Utah are designated as Class III.

R307-405-5. Area Redesignation.

Any person may petition the Board to change the classification of an area designated under R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).

(1) The petition shall contain a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed re[se]designation.

(2) The petition shall contain a demonstration that the proposed redesignation meets the criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(e) and (g).

R307-405-6. Ambient Air Increments.

The provisions of 40 CFR 52.21(c), effective March 3, 2003, are hereby incorporated by reference.

R307-405-7. Ambient Air Ceilings.

1 The provisions of 40 CFR 52.21(d), effective March 3, 2003,
2 are hereby incorporated by reference.

3
4 **R307-405-8. Exclusions from Increment Consumption.**

5 (1) The following concentrations shall be excluded in
6 determining compliance with a maximum allowable increase:

7 (a) concentrations attributable to the increase in
8 emissions from stationary sources which have converted from the
9 use of petroleum products, natural gas, or both by reason of an
10 order in effect under section 2(a) and (b) of the Energy Supply
11 and Environmental Coordination Act of 1974 (or any superseding
12 legislation) over the emissions from such sources before the
13 effective date of such an order;

14 (b) concentrations attributable to the increase in
15 emissions from sources which have converted from using natural
16 gas by reason of a natural gas curtailment plan in effect
17 pursuant to the Federal Power Act over the emissions from such
18 sources before the effective date of such plan;

19 (c) concentrations of particulate matter attributable to
20 the increase in emissions from construction or other temporary
21 emission-related activities of new or modified sources;

22 (d) the increase in concentrations attributable to new
23 sources outside the United States over the concentrations
24 attributable to existing sources which are included in the
25 baseline concentration; and

26 (e) concentrations attributable to the temporary increase
27 in emissions of sulfur dioxide, particulate matter, or nitrogen
28 dioxides from stationary sources which are affected by plan
29 revisions approved by the EPA Administrator as meeting the
30 criteria specified in 40 CFR 51.166(f)(4). The temporary
31 increase shall not exceed 2 years in duration unless a longer
32 time is approved by the EPA Administrator. This exclusion is not
33 renewable.

34 (2) No exclusion of concentration under (1)(a) or (b) above
35 shall apply more than five years after the effective date of the
36 order to which paragraph (1)(a) refers or the plan to which
37 paragraph (1)(b) refers, whichever is applicable. If both such
38 order and plan are applicable, no such exclusion shall apply more
39 than five years after the later of such effective dates.

40 (3) No exclusion under (1)(e) shall apply to an emission
41 increase from a stationary source which would:

42 (a) impact a Class I area or an area where an applicable
43 increment is known to be violated; or

44 (b) cause or contribute to a violation of the national
45 ambient air quality standards.

46
47 **R307-405-9. Stack Heights.**

48 The provisions of 40 CFR 52.21(h), effective March 3, 2003,
49 are hereby incorporated by reference.

50
51 **R307-405-10. Exemptions.**

1 (1) The provisions of 40 CFR 52.21(i)(1)(vi) through
2 (viii), effective March 3, 2003, are hereby incorporated by
3 reference.

4 (2) The provisions of 40 CFR 52.21(i)(2) through (5),
5 effective March 3, 2003, are hereby incorporated by reference.

6
7 **R307-405-11 Control Technology Review.**

8 The provisions of 40 CFR 52.21(j), effective March 3, 2003,
9 are hereby incorporated by reference.

10
11 **R307-405-12. Source Impact Analysis.**

12 The provisions of 40 CFR 52.21(k), effective March 3, 2003,
13 are hereby incorporated by reference.

14
15 **R307-405-13. Air Quality Models.**

16 The provisions of 40 CFR 52.21(l), effective March 3, 2003,
17 are hereby incorporated by reference.

18
19 **R307-405-14. Air Quality Analysis.**

20 (1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv),
21 (vi), and (viii), effective March 3, 2003, are hereby
22 incorporated by reference.

23 (2) The provisions of 40 CFR 52.21(m)(2) and (3), effective
24 March 3, 2003, are hereby incorporated by reference.

25
26 **R307-405-15. Source Information.**

27 The provisions of 40 CFR 52.21(n), effective March 3, 2003,
28 are hereby incorporated by reference.

29
30 **R307-405-16. Additional Impact Analysis.**

31 The provisions of 40 CFR 52.21(o), effective March 3, 2003,
32 are hereby incorporated by reference.

33
34 **R307-405-17. Sources Impacting Federal Class I Areas:
35 Additional Requirements.**

36 (1) The provisions of 40 CFR 52.21(p), effective March 3,
37 2003, are hereby incorporated by reference.

38 (2) The executive secretary will transmit to the EPA
39 Administrator a copy of each permit application relating to a
40 major stationary source or major modification and provide notice
41 to the EPA Administrator of every action related to the
42 consideration of such permit.

43
44 **R307-405-18. Public Participation.**

45 (1) Except as provided in (2), the provisions of 40 CFR
46 51.166(q)(1) and (2), effective March 3, 2003, are hereby
47 incorporated by reference.

48 (2) The phrase "within a specified time period" in 40 CFR
49 51.166(q)(1) shall be replaced with the phrase "within 30 days of
50 receipt of the PSD permit application".

51
52 **R307-405-19. Source Obligation.**

1 (1) Except as provided in (2) below, the provisions of 40
2 CFR 52.21(r), effective March 3, 2003, are hereby incorporated by
3 reference.

4 (2) ~~[(a)]~~ The parenthetical phrase in the first sentence in
5 40 CFR 52.21(r)(6) shall be changed to read "(other than projects
6 at a source with a PAL)."[

7 ~~(b) The reference to "70.4(b)(3)(viii) of this chapter" in~~
8 ~~40 CFR 52.21(r)(7) shall be changed to "R307-415-7i".]~~

9
10 **R307-405-20. Innovative Control Technology.**

11 (1) Except as provided in (2), the provisions of 40 CFR
12 52.21(v), effective March 3, 2003, are hereby incorporated by
13 reference.

14 (2)(a) The reference to "40 CFR 124.10" in 40 CFR
15 52.21(v)(1) shall be changed to "R307-405-18".

16 (b) 40 CFR 52.21(v)(2) shall be changed to read "The
17 executive secretary shall, with the consent of the governors of
18 other affected states, determine that the source or modification
19 may employ a system of innovative control technology, if:".

20
21 **R307-405-21. Actuals PALs.**

22 (1) Except as provided in (3), the provisions of 40 CFR
23 52.21(aa)(1) through (5) and (7) through (15), effective March 3,
24 2003, are hereby incorporated by reference.

25 (2) The provisions of 40 CFR 52.21(aa)(6), effective
26 January 6, 2004, are hereby incorporated by reference.

27 (3)(a) The reference to "51.165(a)(3)(ii) of this chapter"
28 in 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

29 (b) The reference to "51.165(a)(3)(ii) of this chapter" in
30 40 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

31 (c) The references to "70.6(a)(3)(iii)(B) of this chapter"
32 in 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-
33 6a(3)(c)(ii)".

34 (d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i)
35 and (ii) shall be changed to "the effective date of this rule".

36
37 **R307-405-22. Banking of Emission Offset Credit in PSD Areas.**

38 Banking of emission offset credits in PSD areas will be
39 permitted. To preserve banked emission reductions the executive
40 secretary must identify them in either the Utah SIP or an order.
41 The executive secretary will provide a registry to identify the
42 person, private entity, or government authority that has the
43 right to use or allocate the banked emission reduction and to
44 record any transfer of or lien on these rights.

45
46 **KEY: air pollution, PSD, Class I area**
47 **2006**

48 **Notice of Continuation August 11, 2003**
49 **19-2-104**
50
51

1 R307. Environmental Quality, Air Quality.

2 ~~R307-405. Permits: Prevention of Significant Deterioration~~
3 ~~of Air Quality (PSD).~~

4 R307-405-1. Definitions.

5 The following additional definitions apply to R307-405:

6 "Baseline Area" means any intrastate area (and every
7 part thereof) designated as attainment or unclassifiable
8 under Section 107(d)(1)(D) or (E) of the federal Clean Air
9 Act in which the major source or major modification
10 establishing the minor source baseline date would construct
11 or would have an air quality impact equal to or greater than
12 1 ug/m3 (annual average) of the pollutant for which the minor
13 source baseline date is established.

14 (1) Area redesignations under section 107(d)(1)(D) or
15 (E) of the federal Clean Air Act cannot intersect or be
16 smaller than the area of impact of any major stationary
17 source or major modification which:

18 (a) Establishes a minor source baseline date; or

19 (b) Is subject to 40 CFR 52.21 or R307-405, and would
20 be constructed in the same state as the state proposing the
21 redesignation.

22 "Baseline Concentration" means that ambient
23 concentration level which exists in the baseline area at the
24 time of the applicable minor source baseline date.

25 "Major Modification" means any physical change in or
26 change in the method of operation of a major stationary
27 source that would result in a significant net emissions
28 increase of any pollutant subject to regulation under the
29 Clean Air Act.

30 (1) Any net emissions increase that is significant for
31 volatile organic compounds shall be considered significant
32 for ozone.

33 (2) A physical change or change in the method of
34 operation shall not include:

35 (a) routine maintenance, repair, and replacement;

36 (b) use of an alternative fuel or raw material by
37 reason of an order under section 2(a) and (b) of the Energy
38 Supply and Environmental Coordination Act of 1974 (or any
39 superseding legislation), or by reason of a natural gas
40 curtailment plan pursuant to the Federal Power Act;

41 (c) use of an alternative fuel by reason of an order or
42 rule under section 125 of the Clean Air Act;

43 (d) use of an alternative fuel at a steam generating
44 unit to the extent that the fuel is generated from municipal
45 solid waste;

46 (e) use of an alternative fuel or raw material by a
47 source which:

1 (i) the source was capable of accommodating before
2 January 6, 1975, unless such change would be prohibited under
3 any federally enforceable permit condition; or

4 (ii) the source is approved to use;

5 (f) an increase in the hours of operation or in the
6 production rate, unless such change would be prohibited under
7 any federally enforceable permit condition;

8 (g) any change in ownership at a source

9 (h) the addition, replacement or use of a pollution
10 control project at an existing electric utility steam
11 generating unit, unless the executive secretary determines
12 that such addition, replacement, or use renders the unit less
13 environmentally beneficial, or except:

14 (i) when the executive secretary has reason to believe
15 that the pollution control project would result in a
16 significant net increase in representative actual annual
17 emissions of any criteria pollutant over levels used for that
18 source in the most recent air quality impact analysis in the
19 area conducted for the purpose of Title I of the Clean Air
20 Act, if any, and

21 (ii) the executive secretary determines that the
22 increase will cause or contribute to a violation of any
23 national ambient air quality standard or PSD increment, or
24 visibility limitation.

25 (i) the installation, operation, cessation, or removal
26 of a temporary clean coal technology demonstration project,
27 provided that the project complies with:

28 (i) the Utah State Implementation Plan; and

29 (ii) other requirements necessary to attain and
30 maintain the national ambient air quality standards during
31 the project and after it is terminated.

32 (j) the installation or operation of a permanent clean
33 coal technology demonstration project that constitutes
34 repowering, provided that the project does not result in an
35 increase in the potential to emit of any regulated pollutant
36 emitted by the unit. This exemption shall apply on a
37 pollutant-by-pollutant basis.

38 (k) the reactivation of a very clean coal-fired
39 electric utility steam generating unit.

40 "Major Source" means:

41 (1) any of the following sources of air pollutants
42 which emits, or has the potential to emit, 100 tons per year
43 or more of any pollutant subject to regulation under the
44 Clean Air Act: Fossil fuel-fired steam electric plants of
45 more than 250 million British thermal units per hour heat
46 input, coal cleaning plants (with thermal dryers), kraft pulp
47 mills, portland cement plants, primary zinc smelters, iron

1 and steel mill plants, primary aluminum ore reduction plants,
2 primary copper smelters, municipal incinerators capable of
3 charging more than 250 tons of refuse per day, hydrofluoric,
4 sulfuric, and nitric acid plants, petroleum refineries, lime
5 plants, phosphate rock processing plants, coke oven
6 batteries, sulfur recovery plants, carbon black plants
7 (furnace process), primary lead smelters, fuel conversion
8 plants, sintering plants, secondary metal production plants,
9 chemical process plants, fossil fuel boilers (or combination
10 thereof) totaling more than 250 million British thermal units
11 per hour heat input, petroleum storage and transfer units
12 with a total storage capacity exceeding 300,000 barrels,
13 taconite ore processing plants, glass fiber processing
14 plants, and charcoal production plants;

15 (2) any other source which emits, or has the potential
16 to emit, 250 tons per year or more of any air pollutant; or

17 (3) a source which does not otherwise qualify as a
18 major source as defined in this paragraph, but which is
19 physically changed, which change itself would constitute a
20 major source.

21 (4) a source which is major for volatile organic
22 compounds is major for ozone.

23 (5) The fugitive emissions and fugitive dust of a
24 stationary source shall not be included in determining for
25 any of the purposes of this section whether it is a major
26 stationary source, unless the source belongs to one of the
27 following categories of stationary sources:

- 28 (a) Coal cleaning plants (with thermal dryers);
- 29 (b) Kraft pulp mills;
- 30 (c) Portland cement plants;
- 31 (d) Primary zinc smelters;
- 32 (e) Iron and steel mills;
- 33 (f) Primary aluminum ore reduction plants;
- 34 (g) Primary copper smelters;
- 35 (h) Municipal incinerators capable of charging more
36 than 250 tons of refuse per day;
- 37 (i) Hydrofluoric, sulfuric, or nitric acid plants;
- 38 (j) Petroleum refineries;
- 39 (k) Lime plants;
- 40 (l) Phosphate rock processing plants;
- 41 (m) Coke oven batteries;
- 42 (n) Sulfur recovery plants;
- 43 (o) Carbon black plants (furnace process);
- 44 (p) Primary lead smelters;
- 45 (q) Fuel conversion plants;
- 46 (r) Sintering plants;
- 47 (s) Secondary metal production plants;

- 1 (t) Chemical process plants;
2 (u) Fossil-fuel boilers (or combination thereof)
3 totaling more than 250 million British thermal units per hour
4 heat input;
5 (v) Petroleum storage and transfer units with a total
6 storage capacity exceeding 300,000 barrels;
7 (w) Taconite ore processing plants;
8 (x) Glass fiber processing plants;
9 (y) Charcoal production plants;
10 (z) Fossil fuel-fired steam electric plants of more
11 than 250 million British thermal units per hour heat input;
12 (aa) Any other stationary source category which, as of
13 August 7, 1980, is being regulated under section 111 or 112
14 of the Federal Clean Air Act.

15
16 **R307-405-2. Area Designations.**

- 17 All areas of the State shall be designated as Class I,
18 II, or III.
19 (1) Pursuant to section 162(a) of the federal Clean Air
20 Act the following areas are designated as mandatory Class I:
21 (a) Arches National Park
22 (b) Bryce Canyon National Park
23 (c) Canyonlands National Park
24 (d) Capitol Reef National Park
25 (e) Zion National Park
26 (2) Pursuant to section 162(b) of the federal Clean Air
27 Act, all other areas of the State are designated as Class II
28 unless redesignated as provided in R307-405-3 or are
29 designated as nonattainment areas.

30
31 **R307-405-3. Area Redesignation.**

- 32 (1) Within the restrictions and requirements of this
33 paragraph, the Board may submit to the Governor for decision
34 a recommendation to redesignate areas from any class to any
35 other class.
36 (2) In accordance with Section 162(a) of the federal
37 Clean Air Act, areas designated as Class I under R307-405-2
38 may not be redesignated.
39 (3) In accordance with Section 164(a) of the federal
40 Clean Air Act, the following areas may be redesignated only
41 as Class I or II.
42 (a) An area which as of August 7, 1977, exceeded 10,000
43 acres in size and was a national monument, a national
44 primitive area, a national preserve, a national recreation
45 area, a national wild and scenic river, a national wildlife
46 refuge, a national lakeshore or seashore; and

1 (b) A national park or national wilderness area
2 established after August 7, 1977, which exceeds 10,000 acres
3 in size.

4 (4) Except as provided in (2), (3) and (6) the Board
5 may submit to the Governor for decision a recommendation to
6 redesignate areas of the State as Class III if:

7 (a) There has been compliance with the requirements of
8 (5) below.

9 (b) Such redesignation will not cause, or contribute
10 to, concentrations of any air pollutant which exceed any
11 maximum allowable increase permitted under the classification
12 of any other area or any national ambient air quality
13 standard; and

14 (c) Any permit application for any major source or
15 major modification which could receive an approval order only
16 if the area in question were redesignated as Class III, and
17 any material submitted as part of that notice of intent were
18 available, insofar as practicable, prior to any public
19 hearing or redesignation.

20 In accordance with Section 164 of the federal Clean Air
21 Act, redesignations to Class III may be approved by the
22 Governor only after consultation with appropriate committees
23 of the legislature and if units of local government
24 representing a majority of the residents of the proposed area
25 to be redesignated enact ordinances concurring in the
26 redesignation.

27 (5) Prior to submittal to the Governor of a
28 recommendation to redesignate any area:

29 (a) Notice shall be published in each daily newspaper
30 in the affected area and written notice shall be made to
31 local government units, other states, Indian governing
32 bodies, Federal Land Managers whose lands may be affected by
33 the proposed redesignation and public hearings shall be
34 conducted in the affected areas. Such notice shall be made
35 at least 30 days prior to the public hearing and include a
36 statement of the availability of the discussion outlined in

37 (b) below. Prior to the issuance of a notice under this
38 paragraph respecting the redesignation of any Federal lands,
39 a written notice shall be given to the appropriate Federal
40 Land Manager who shall be afforded opportunity (not to exceed
41 60 days) to confer with the Board respecting the
42 redesignation and to submit written comments and
43 recommendations. In recommending redesignation of any area
44 with respect to which a Federal Land Manager has submitted
45 comments the Board shall publish a list of any inconsistency
46 between such redesignation and such comments and
47 recommendations together with the reasons for recommending

1 such redesignation against the recommendation of the Federal
2 Land Manager; and

3 (b) A discussion of the reasons for the proposed
4 redesignation, including a satisfactory description and
5 analysis of the health, environmental, economic and social
6 and energy effects of the proposed redesignation, will be
7 prepared and made available for public inspection at least 30
8 days prior to the hearing. Any person who petitions the
9 Board for redesignation of an area may be required to prepare
10 and submit this analysis to the Board.

11 (6) Lands within the exterior boundaries of
12 reservations of federally recognized Indian Tribes may be
13 redesignated only by the appropriate Indian body as provided
14 in Section 164 of the Clean Air Act.

15
16 **R307-405-4. Increments and Ceilings.**

17 (1) In Class I, II, or III areas, the maximum allowable
18 increases in concentrations of sulfur dioxide, nitrogen
19 dioxide and particulate matter over baseline concentrations
20 of such pollutants are limited to the following:

21
22 TABLE

23

| (1) Maximum Allowable Increase (ug/m3) | | | |
|--|---------|----------|-----------|
| Pollutant | Class I | Class II | Class III |
| PM10: | | | |
| Annual Arithmetic Mean | 4 | 17 | 34 |
| 24-hr. Maximum | 8 | 30 | 60 |
| Sulfur Dioxide: | | | |
| Annual Arithmetic Mean | 2 | 20 | 40 |
| 24-hr. Maximum | 5 | 91 | 182 |
| 3-hr. Maximum | 25 | 512 | 700 |
| Nitrogen Dioxide: | | | |
| Annual Arithmetic Mean | 2.5 | 25 | 50 |

26
27
28
29
30
31
32
33
34
35
36

37 Note (1): At any one location, the maximum allowable
38 increase for other than the annual period may be exceeded
39 once each year. For any period other than the annual period,
40 the applicable maximum allowable increase may be exceeded
41 during one such period per year at any one location.

42
43 (2) Variances to Class I areas will be allowed only
44 after compliance with the requirements of and within the
45 increments provided in Section 165 of the federal Clean Air
46 Act, or in the case of PM10 increments, only after compliance
47 with the Title 40 of the Code of Federal Regulations, Section

1 51.166(p) (4) (as amended-see the June 3, 1993 Federal
2 Register notice, 58 FR 31637) which is hereby incorporated by
3 reference.

4 (3) In any area, no resultant concentration of any air
5 pollutant shall exceed the concentration permitted under
6 either the national secondary or primary ambient air quality
7 standard whichever concentration is lowest for the pollutant
8 for a period of exposure.

9 (4) Exclusions from increment consumption. The
10 following concentrations shall be excluded in determining
11 compliance with a maximum allowable increase:

12 (a) Concentrations attributable to the increase in
13 emissions from sources which have converted from:

14 (i) the use of petroleum products, natural gas, or both
15 by reason of an order in effect under sections 2(a) and (b)
16 of the Energy Supply and Environmental Coordination Act of
17 1974; or

18 (ii) using natural gas by reason of a natural gas
19 curtailment plan in effect pursuant to the Federal Power Act,
20 over the emissions from such sources before the effective
21 date of such an order or plan.

22 No exclusion of such concentrations shall apply more
23 than five years after the effective date of the order or the
24 plan. If both an order and plan are applicable, no such
25 exclusion shall apply more than five years after the later of
26 such effective dates.

27 (b) Concentrations of PM10 attributable to the increase
28 in emissions from construction or other temporary emission-
29 related activities.

30 (c) Concentrations attributable to the temporary
31 increase in emissions of sulfur dioxide, nitrogen oxides or
32 PM10 from sources which are affected by plan revisions
33 approved by EPA as meeting the criteria specified in 40 CFR
34 51.166(f) (4).

35
36 **R307-405-5. Baseline Concentration and Date.**

37 (1) Baseline concentration. A baseline concentration
38 is determined for each pollutant for which a minor source
39 baseline date is established and shall include:

40 (a) The actual emissions representative of sources in
41 existence on the applicable minor source baseline date except
42 as provided in (2) below;

43 (b) The allowable emissions of major sources which
44 commence construction before the major source baseline date,
45 but were not in operation by the applicable minor source
46 baseline date.

1 (2) The following will not be included in the baseline
2 concentration and will affect the applicable maximum
3 allowable increase(s):

4 (a) actual emissions from any major source on which
5 construction commenced after the major source baseline date,
6 and

7 (b) actual emissions increases and decreases at any
8 source occurring after the minor source baseline date.

9 (3) Baseline date. The minor source baseline date is
10 established for each pollutant for which increments or other
11 equivalent measures have been established if:

12 (a) the area in which the proposed source or
13 modification would construct is designated as attainment or
14 unclassifiable under section 107(d)(i)(D) or (E) of the
15 federal Clean Air Act for the pollutant on the date of its
16 complete application under 40 CFR 52.21, or R307-405; and

17 (b) in the case of a major source the pollutant would
18 be emitted in significant amounts, or, in the case of a major
19 modification, there would be a significant net emissions
20 increase of the pollutant. With respect to particulate
21 matter, significant shall mean significant for PM10.

22 (4) (a) Any minor source baseline date established
23 originally for increments of total suspended particulates
24 shall remain in effect and shall apply for purposes of
25 determining the amount of available PM10 increments, except
26 that the executive secretary may rescind any such minor
27 source baseline date where it can be shown to the executive
28 secretary's satisfaction that the emissions increase from the
29 major stationary source or the net emissions increase from
30 the major modification responsible for triggering that date
31 did not result in a significant amount of PM10 emissions.

32 (b) Any baseline area established originally for the
33 increments of total suspended particulates shall remain in
34 effect and shall apply for purposes of determining the amount
35 of available PM10 increments, except that such baseline area
36 shall not remain in effect if the executive secretary
37 rescinds the corresponding minor source baseline date in
38 accordance with (a) above.

39

40 **R307-405-6. PSD Areas - New Sources and Modifications.**

41 (1) Emission Limitations. Any source constructed or
42 modified in a PSD area must meet all applicable emissions
43 requirements of R307 and the Utah State Implementation Plan.
44 A proposed source or modification which is not a major source
45 or major modification may be approved without meeting the
46 requirements in (2) below, provided such source meets all
47 other applicable requirements of these regulations. The

1 emission limitations shall be stated as conditions of the
2 approval order.

3 (2) Major Source and Major Modification Review. Every
4 new major source or major modification must be reviewed by
5 the Executive Secretary to determine the air quality impact
6 of the source to include a determination whether the source
7 will cause or contribute to a violation of the maximum
8 allowable increases or the NAAQS in any area. The
9 determination of air quality impact will be made as of the
10 source's projected start-up date. Such determination shall
11 take into account all allowable emissions of approved sources
12 or modifications whether constructed or not, and, to the
13 extent practicable, the cumulative effect on air quality of
14 all sources and growth in the affected area.

15 (a) In addition to meeting all other requirements of
16 these regulations, any major source or major modification
17 which would be constructed in a PSD area, shall:

18 (i) Provide the following additional information with
19 the notice of intent required pursuant to R307-401:

20 (A) An analysis of the air quality impact of the source
21 or modification and a demonstration that allowable emissions
22 increases from the source or modification, in conjunction
23 with all other applicable emissions increases or reductions
24 (including secondary emissions), will not cause or contribute
25 to a violation of any maximum allowable increase over the
26 baseline concentration in any area or any NAAQS in any area.

27 (B) An analysis of ambient air quality in the affected
28 area for each pollutant that a new source would have the
29 potential to emit in a significant amount, and for each
30 pollutant for which a modification would result in a
31 significant net emissions increase. With respect to any such
32 pollutant for which no NAAQS exists, the analysis shall
33 contain such air quality monitoring data as the Executive
34 Secretary determines is necessary to assess ambient air
35 quality for that pollutant in any area that the emissions of
36 that pollutant would affect. With respect to any such
37 pollutant (other than non-methane hydrocarbons) for which
38 such a NAAQS does exist, the analysis shall contain
39 continuous air quality monitoring data gathered for purposes
40 of determining whether emissions of that pollutant would
41 cause or contribute to a violation of the standard or any
42 maximum allowable increase in any area that the emissions of
43 that pollutant would affect. In general, the continuous air
44 quality monitoring data that is required shall have been
45 gathered over a period of at least one year and shall
46 represent at least the year preceding receipt of the notice
47 of intent, except that, if the Executive Secretary determines

1 that a complete and adequate analysis can be accomplished
2 with monitoring data gathered over a period shorter than one
3 year (but not to be less than four months), the data that is
4 required shall have been gathered over at least that shorter
5 period. Any data used in the analysis must be gathered using
6 EPA reference methods or equivalent and quality assurance
7 procedures equivalent to 40 CFR Part 58, Appendix B. A
8 monitoring plan will be submitted to the Executive Secretary
9 for approval prior to data collection. The Executive
10 Secretary may grant exceptions or modifications to these
11 monitoring requirements when not inconsistent with federal
12 law.

13 (C) Upon request of the Executive Secretary, the air
14 quality impact of the source or modification, including
15 meteorological and topographical data necessary to estimate
16 such impact; and the air quality impact of any or all general
17 commercial residential, industrial, and other growth which
18 has occurred since the minor source baseline date in the area
19 the source or modification would affect.

20 (D) An analysis of the air quality related impact of
21 the source or modification including an analysis of the
22 impairment to visibility, soils, and vegetation and the
23 projected air quality impact from general commercial,
24 residential, industrial, and other growth associated with the
25 source or modification. The owner or operator need not
26 provide an analysis of the impact on vegetation having no
27 significant commercial or recreational value.

28 (ii) After construction of the source or modification,
29 conduct such ambient air quality monitoring as the Executive
30 Secretary determines may be necessary to establish the effect
31 which the emissions from the source or modification may have
32 on the air quality in any area.

33 (b) If the Executive Secretary finds that the emissions
34 from a proposed major source or major modification would
35 cause a violation of any maximum allowable increase over the
36 baseline concentration in any area, the Executive Secretary
37 shall approve the proposed source if and only if:

38 (i) the new source or modification is required to meet
39 a more stringent emission limitation sufficient to avoid a
40 violation of the maximum allowable increase and/or

41 (ii) the new source or modification has acquired
42 sufficient offset to avoid a violation of the maximum
43 allowable increase, and

44 (iii) the new emission limitations for the proposed
45 source and for any affected existing sources are enforceable.

46 (c) If the Executive Secretary finds that the emissions
47 from a proposed major source or major modification would

1 contribute to a known violation of any maximum allowable
2 increase over the baseline concentration in any area, the
3 Executive Secretary shall approve the proposed source if and
4 only if:

5 (i) the new source or modification has acquired
6 sufficient emission offset so as to provide a positive net
7 air quality benefit in the affected area, and
8 (ii) any new emission limitations for affected existing
9 sources are enforceable.

10 (3) The requirements of (2)(a) above shall not apply to
11 a major source or major modification if:

12 (a) The source is a portable stationary source which
13 has previously received a permit under this paragraph, and

14 (i) The owner or operator proposes to relocate the
15 source and emissions of the source at the new location would
16 be temporary; and

17 (ii) The emissions from the source would not exceed its
18 allowable emissions; and

19 (iii) The emissions from the source would impact no
20 Class I area and no area where an applicable increment is
21 known to be violated;

22 (b) The source or modification would be a non-profit
23 health or non-profit educational institution and the Board
24 approves a request that it be exempt from those requirements.

25 (c) The source or modification would be a major source
26 or major modification only if fugitive emission and fugitive
27 dust, to the extent quantifiable, are considered in
28 calculating the potential to emit of the source or
29 modification and the source does not belong to any of the
30 following categories:

- 31 (i) Coal cleaning plants (with thermal dryers);
32 (ii) Kraft pulp mills;
33 (iii) Portland cement plants;
34 (iv) Primary zinc smelters;
35 (v) Iron and steel mills;
36 (vi) Primary aluminum or reduction plants;
37 (vii) Primary copper smelters;
38 (viii) Municipal incinerators capable of charging more
39 than 250 tons of refuse per day;
40 (ix) Hydrofluoric, sulfuric, or nitric acid plants;
41 (x) Petroleum refineries;
42 (xi) Lime plants;
43 (xii) Phosphate rock processing plants;
44 (xiii) Coke oven batteries;
45 (xiv) Sulfur recovery plants;
46 (xv) Carbon black plants (furnace process);
47 (xvi) Primary lead smelters;

1 (xvii) Fuel conversion plants;
2 (xviii) Sintering plants;
3 (xix) Secondary metal production plants;
4 (xx) Chemical process plants;
5 (xxi) Fossil-fuel boilers (or combination thereof)
6 totaling more than 250 million British thermal units per hour
7 heat input;
8 (xxii) Petroleum storage and transfer units with a
9 total storage capacity exceeding 300,000 barrels;
10 (xxiii) Taconite ore processing plants;
11 (xxiv) Glass fiber processing plants;
12 (xxv) Charcoal production plants;
13 (xxvi) Fossil fuel-fired steam electric plants of more
14 than 250 million British thermal units per hour heat input;
15 (xxvii) Any other stationary source category which, as
16 of August 7, 1980, is being regulated under section 111 or
17 112 of the federal Clean Air Act.

18 (d) With respect to a particular pollutant, the
19 allowable emissions of that pollutant from the source, or the
20 net emissions increase of that pollutant from the
21 modification:

22 (i) would impact no Class I area and no area where an
23 applicable increment is known to be violated, and

24 (ii) would be temporary.

25 (4) The requirements of (2)(a) above as they relate to
26 any maximum allowable increase for a Class II area shall not
27 apply to a major modification at a source that was in
28 existence on March 1, 1978, if the net increase in allowable
29 emissions for each pollutant from the modification after the
30 application of best available control technology would be
31 less than 50 tons per year.

32 (5)(a) The requirements of (2)(a)(i)(A) above
33 pertaining to the impact analysis shall not apply to a source
34 or modification with respect to any maximum allowable
35 increase for nitrogen oxides if the owner or operator of the
36 source or modification submitted a notice of intent before
37 October 15, 1990, and the Executive Secretary subsequently
38 determined that the notice of intent as submitted before that
39 date was complete.

40 (b) The requirements of (2)(a)(i)(A) above concerning
41 an analysis of the maximum allowable increase over the
42 baseline concentration shall not apply to a stationary source
43 or modification with respect to any maximum allowable
44 increase for PM10 if the owner or operator of the source or
45 modification submitted an application for a permit before
46 December 15, 1994, and the executive secretary subsequently
47 determined that the application as submitted before that date

1 was complete. Instead, the applicable requirements shall be
2 with respect to the maximum allowable increases for total
3 suspended particulates as in effect on the date the
4 application was submitted. These increments were, for the
5 annual geometric mean: 5, 19, and 37 micrograms/cubic meter
6 for Class I, II and III areas respectively and, for the 24-
7 hour maximum: 10, 37 and 75 micrograms/cubic meter for Class
8 I, II and III areas respectively.

9 (6) Exemption - Monitoring Requirement

10 (a) The Executive Secretary may grant exceptions or
11 modifications to the monitoring requirements in (2)(a)(i)(B)
12 above which are not inconsistent with federal law.

13 (b) The Executive Secretary may exempt a stationary
14 source or modification from the requirements of (2)(a)(i)(B)
15 above with respect to monitoring for a particular pollutant
16 if:

17 (i) The emissions increase of the pollutant from the
18 new source or the net emissions increase of the pollutant
19 from the modification would cause, in any area, air quality
20 impacts less than the following amounts:

21 Carbon monoxide - 575 ug/m³, 8-hour average;

22 Nitrogen dioxide - 14 ug/m³, annual average;

23 PM₁₀ - 10 micrograms/cubic meter, 24-hour average;

24 Sulfur dioxide - 13 ug/m³, 24-hour average;

25 Lead - 0.1 ug/m³, 24-hour average;

26 Mercury - 0.25 ug/m³, 24-hour average;

27 Beryllium - 0.0005 ug/m³, 24-hour average;

28 Ozone - No de minimis air quality level is provided for
29 ozone. However, any proposed source or modification subject
30 to PSD with net increase of 100 tons per year or more of
31 volatile organic compounds subject to PSD would be required
32 to perform an ambient impact analysis including the gathering
33 of ambient air quality data;

34 Fluorides - 0.25 ug/m³, 24-hour average;

35 Vinyl chlorides - 15 ug/m³, 24-hour average;

36 Total reduced sulfur - 10 ug/m³, 1-hour average;

37 Hydrogen sulfide - 0.04 ug/m³, 1-hour average;

38 Reduced sulfur compounds - 10 ug/m³, 1-hour average; or

39 (ii) The concentrations of the pollutant in the area
40 that the source or modification would affect are less than
41 the concentrations listed or the pollutant is not listed in
42 (i) above.

43
44 **R307-405-7. Increment Violations.**

45 Where the Board determines that an increment under R307-
46 405-4 is violated, the Board shall promulgate a plan and
47 implement regulations to eliminate the violation.

1

2 **R307-405-8. Banking of Emission Offset Credit in PSD Areas.**

3 Banking of emission offset credits in PSD areas will be
4 permitted. To preserve banked emission reductions the
5 Executive Secretary must identify them in either the Utah SIP
6 or an order and shall provide a registry to identify the
7 person, private entity, or government authority that has the
8 right to use or allocate the banked emission reduction and to
9 record any transfer of or lien on these rights.

10

11 **KEY: air pollution, PSD, Class I area**12 **July 12, 2001**13 **Notice of Continuation August 11, 2003**14 **19-2-104**